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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

MICHAEL MINDEN & THERESA MINDEN,

Plaintiffs,

Case No.: 2:21-cv-00151-APG-BNW

vs.

ALLSTATE PROPERTY AND CASUALTY  
INSURANCE COMPANY, an Illinois  
Corporation; DOE INDIVIDUALS 1-10 and  
ROE ENTITIES I-X,

Defendants.

**PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE LIMIT**

Pursuant to the United States District Court District of Nevada Local Rule 7-3(b) Plaintiffs, MICHAEL MINDEN and THERESA MINDEN (collectively the "Mindens" or "Plaintiffs") are limited to 24 pages in their response to ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY's ("Allstate" or "Defendant") Amended Motion for Spoliation of Evidence and Sanctions (ECF No. 58) (the "Motion").

Plaintiffs hereby respectfully move this Court for leave and respectfully requests this Court grant leave to exceed the applicable page limit by 6 pages. Good cause exists to exceed the page limit set forth in Nevada Local Rule 7.3(b) because Allstate's Motion seeks case dispositive sanctions in the form of dismissal against Plaintiffs for destroying evidence. In its Motion, Allstate argues that "[b]ecause of Plaintiffs' actions, Defendant Allstate has been prevented from inspecting and testing the roof tiles and underlayment from the Plaintiffs' roof." Motion at 2:1-3.

1 It is imperative that Plaintiffs be able to fully respond and be heard in opposition to the serious  
2 allegations leveled by Allstate that Plaintiffs destroyed evidence in bad faith, including recounting  
3 the factual record showing each time Allstate or its contractors or engineers inspected the subject  
4 roof and also deposition testimony regarding the various inspections of the subject roof. Fourteen  
5 and the 30-page Response brief is devoted to the factual background. Good cause also exists to  
6 exceed the page limit set forth in Nevada Local Rule 7.3(b). The Declaration of Michael S. Kelley,  
7 Esq. in Support of Plaintiffs' Motion for Leave to Exceed Page Limit ("Vlastic Declaration"), is  
8 filed herewith.

9 DATED this 21st day of October, 2022.

10  
11 REID RUBINSTEIN & BOGATZ

12 By: /s/ Michael S. Kelley, Esq.

13 I. Scott Bogatz, Esq.

14 Nevada Bar No. 3367

15 Michael S. Kelley

16 Nevada Bar No. 10101

17 Attorneys for Plaintiffs

18 **ORDER**

19 **IT IS SO ORDERED**

20 **DATED:** 12:19 pm, October 24, 2022

21 

22 **BRENDA WEKSLER**

23 **UNITED STATES MAGISTRATE JUDGE**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of October, 2022 our office served a copy of the foregoing **PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE LIMIT** upon each of the following parties via CM/ECF electronic service:

/s/ *Amy M. Scott*

An employee of REID RUBINSTEIN & BOGATZ

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